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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,780	08/14/2001	Koichi Kawana	450100-03413	9015

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EXAMINER	
VAN HANDEL, MICHAEL P	
ART UNIT	PAPER NUMBER
2424	

MAIL DATE	DELIVERY MODE
12/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/929,780	KAWANA ET AL.	
	Examiner	Art Unit	
	MICHAEL VAN HANDEL	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-12 and 14-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-12 and 14-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 09/20/2010. Claims **1-4**, **6-12**, **14-18** are pending. Claims **1**, **9**, **17**, **18** are amended. Claims **5**, **13** are canceled.

Response to Arguments

2. Applicant's arguments regarding claims **1**, **9**, **17**, and **18**, filed 9/20/2010, have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **1-4**, **6**, **8-12**, **14**, and **16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (of record) in view of Gaucher (of record), further in view of Matsumoto (of record), and still further in view of Isberg et al.

Referring to claims **1**, **2**, **4**, **6**, and **17**, Ellis et al. discloses a program processing apparatus/method, comprising:

- program management means for managing a database that stores program information for programs (p. 4, 5, paragraphs 69, 70);

- transmission means for transmitting the program information stored in the database to one of a plurality of electronic apparatuses using wireless communication (p. 5, paragraphs 71, 74; p. 6, paragraph 86; & Figs. 3, 4);
- wherein the transmitted program information is a user's most recent individual program information (p. 5, paragraph 78; p. 9, paragraphs 107, 110; p. 10, paragraph 112; p. 11, paragraphs 123-126; p. 12, paragraphs 133, 134; p. 13, paragraph 137; p. 15, paragraphs 160-162; & Figs. 10, 11, 18);
- control means for controlling a plurality of programs recording and playing apparatuses in accordance with received selection information (p. 2, paragraph 15; p. 11, paragraph 127; & p. 12, paragraphs 133, 134); and
- determination means for determining whether the selection information indicates information that has been recorded previously by one of the plurality of programs recording and playing apparatuses and determining which one of the plurality of programs recording and playing apparatuses the information is recorded on (p. 6, paragraph 87; p. 9, paragraphs 107, 110; p. 12, paragraphs 133, 134; p. 16, paragraphs 168-170; p. 21, paragraph 220; & Figs. 11, 21), and for designating a point for which to begin playback as a function of the selection information when the determination means determines the information has been recorded previously and determines which one of the programs recording and playing apparatuses the information is recorded on (the examiner notes that the user can select a stored program for playback using remote program guide access device 24. The remote program guide access device 24 issues an appropriate access communication to the interactive television

program guide to play back the selection and to transmit it to remote program guide access device over remote access link 19)(p. 2, paragraph 15; p. 12, paragraphs 133, 134; p. 16, paragraphs 168-170; & Figs. 11, 21), wherein the plurality of electronic apparatus control the plurality of programs recording and playing apparatus through the program processing apparatus (p. 1, 2, paragraphs 14, 15), and wherein the plurality of programs recording and playing apparatus prepares for playing in accordance with the designation and transmits an acknowledgement 2240, and wherein when the acknowledgement is confirmed 2250, playback is ready to begin (p. 12, paragraph 133 & Figs. 3, 4, 21).

Ellis et al. further discloses that the remote access link 19 is a wireless cellular link or an infrared link (p. 5, paragraph 77; p. 6, paragraph 86; & p. 7, paragraphs 90, 93, 94). Ellis et al. still further discloses that the remote program guide access device 24 is a personal digital assistant (PDA)(p. 7, paragraph 92). Ellis et al. also discloses displaying program information from a memory of the requesting electronic apparatus (p. 8, paragraph 102 & p. 9, paragraph 107). Ellis et al. does not disclose a switching means for switching a wireless communication unit between communication using a public circuit based on a spread spectrum communication system and short-distance wireless communication based on the spread spectrum communication system, wherein a user of one of the plurality of electronic apparatus chooses whether the user is indoor or outside by operating an operation switch and sends the program processing apparatus a link request indicating whether the user is indoor or outside. Ellis et al. further does not disclose that the switching means determines whether to display program information from a memory of the requesting electronic apparatus, as a function of, whether a request to link from one of the

plurality of electronic apparatuses is from indoors or from outside, and whether the link is unstable.

Gaucher discloses a local wireless network (col. 2, l. 34-36). A cellular phone PDA device controls a VCR to record a particular program through a master computer of the local wireless network if within a specific range. Gaucher discloses that the range is generated around the home (col. 6, l. 8-10, 34-36). If out of range (outside), the PDA device accesses the master computer and VCR through a cellular modem (col. 3, l. 32-43 & col. 6, l. 34-47, 60-63). The PDA communicates with the master computer and VCR through high power spread spectrum communications (col. 3, l. 60-61; col. 6, l. 1-17; & col. 10, l. 38-46). Since the PDA accesses the master computer differently depending on whether the user is indoors or outside, the examiner interprets this as sending to the program processing apparatus a link request indicating whether the user is indoor or outside. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the communication between the remote program access device and local interactive television program guide of Ellis et al. to include switching between a cellular network and a local spread spectrum network depending on whether the remote access device is within the home or outside the home, such as that taught by Gaucher in order to provide a more cost-efficient device. Gaucher further discloses measuring the signal level of a remote device using RSSI (col. 9, l. 20-23). The combination of Ellis et al. and Gaucher does not specifically disclose displaying a message indicating link establishment failed based on a switching means determining, as a function of whether the link is unstable.

Matsumoto discloses a digital cordless telephone device for performing radio communication. The cordless telephone device includes an RSSI detection unit for detecting

RSSI of the base station it is connected to (see Abstract). Matsumoto discloses that, when the RSSI gets lower than a predetermined threshold, an antenna symbol flashes on and off and an out-of-service area warning appears to inform the user that the digital cordless telephone device is approaching the limit of the service area of the base station to which it is connected (col. 5, l. 8-20). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Ellis et al. and Gaucher to include displaying a warning to the user when they approach the limit of a service area, such as that taught by Matsumoto in order to provide a user with information to ensure stable communication (Matsumoto col. 1, l. 22-26).

The combination of Ellis et al., Gaucher and Matsumoto does not specifically teach that the user chooses whether the user is indoor or outside by operating an operation switch. Isberg et al. discloses a mobile personal communication station 114 that communicates with various networks (col. 3, l. 25-37 & Fig. 1). Isberg et al. further discloses that the communication station is a dual-mode type capable of communication in at least two different networks, and that switching between the two networks can be automatic and also on demand from a user of the station, such as by a key press action on a keypad (col. 6, l. 42-54 & Fig. 5). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the network switching of Gaucher to be done manually through a key press action, such as that taught by Isberg et al. in order to improve user-friendliness by providing more operational settings (Isberg et al. col. 1, l. 35-37).

Referring to claims **3** and **11**, the combination of Ellis et al. and Gaucher teaches a program processing apparatus/portable terminal according to claims 2 and 10, respectively,

wherein said portable terminal comprises a private apparatus (Since the remote program access device 24 communicates with a particular user's set-top box (see citations noted with respect to claim 1), the examiner interprets the remote program access device to be a private apparatus).

Referring to claims **8** and **16**, the combination of Ellis et al. and Gaucher teaches a program processing apparatus/portable terminal according to claims 6 and 14, respectively, wherein the short-distance wireless communication is based on an infrared data communication system (Ellis et al. p. 6, paragraph 86 & p. 7, paragraphs 90, 93).

Referring to claims **9**, **10**, **12**, **14**, and **18**, Ellis et al. discloses a portable terminal/method for recording and playing programs, comprising:

- transmission means for transmitting program information stored in a database that stores the program information for programs to one of a plurality of electronic apparatuses using wireless communication (p. 5, paragraphs 71, 74; p. 6, paragraph 86; & Figs. 3, 4);
- wherein the transmitted program information is a user's most recent individual program information (p. 5, paragraph 78; p. 9, paragraphs 107, 110; p. 10, paragraph 112; p. 11, paragraphs 123-126; p. 12, paragraphs 133, 134; p. 13, paragraph 137; p. 15, paragraphs 160-162; & Figs. 10, 11, 18);
- display means for displaying the program information obtained using said transmission means (p. 7, paragraph 92; p. 8, paragraph 102; & Fig. 5);
- command transmission means for transmitting a command that controls a plurality of programs recording and playing apparatuses to a server that controls recording and playing performed by the programs recording and playing apparatuses (p. 2,

paragraph 15; p. 6, paragraph 86; p. 11, paragraph 127; & p. 12, paragraphs 133, 134); and

- determination means for determining whether the command indicates information that has been recorded previously by one of the plurality of programs recording and playing apparatuses and determining which one of the plurality of programs recording and playing apparatuses the information is recorded on (p. 6, paragraph 87; p. 9, paragraphs 107, 110; p. 12, paragraphs 133, 134; p. 16, paragraphs 168-170; p. 21, paragraph 220; & Figs. 11, 21), and for designating a point for which to begin playback as a function of the command when the determination means determines the information has been recorded previously and determines which one of the programs recording and playing apparatuses the information is recorded on (the examiner notes that the user can select a stored program for playback using remote program guide access device 24. The remote program guide access device 24 issues an appropriate access communication to the interactive television program guide to play back the selection and to transmit it to remote program guide access device over remote access link 19)(p. 2, paragraph 15; p. 12, paragraphs 133, 134; & p. 16, paragraphs 168-170), wherein the plurality of electronic apparatus control the plurality of programs recording and playing apparatus through the program processing apparatus (p. 1, 2, paragraphs 14, 15), and wherein the determined programs recording and playing apparatus prepares for playing in accordance with the designation and transmits an acknowledgement 2240, and wherein, when the acknowledgement is confirmed 2250, playback is ready to begin (p. 2, paragraph 133 & Figs. 3, 4, 21).

Ellis et al. further discloses that the remote access link 19 is a wireless cellular link or an infrared link (p. 5, paragraph 77; p. 6, paragraph 86; & p. 7, paragraphs 90, 93, 94). Ellis et al. still further discloses that the remote program guide access device 24 is a personal digital assistant (PDA)(p. 7, paragraph 92). Ellis et al. also discloses displaying program information from a memory of the requesting electronic apparatus (p. 8, paragraph 102 & p. 9, paragraph 107). Ellis et al. does not disclose a switching means for switching a wireless communication unit between communication using a public circuit based on a spread spectrum communication system and short-distance wireless communication based on the spread spectrum communication system, wherein a user of one of the plurality of electronic apparatus chooses whether the user is indoor or outside and sends the program processing apparatus a link request indicating whether the user is indoor or outside. Ellis et al. further does not disclose that the switching means determines whether to display program information from a memory of the requesting electronic apparatus, as a function of whether the request to link from one of the plurality of electronic apparatuses is from indoors or from outside and whether the link is unstable.

Gaucher discloses a local wireless network (col. 2, l. 34-36). A cellular phone PDA device controls a VCR to record a particular program through a master computer of the local wireless network if within a specific range. Gaucher discloses that the range is generated around the home (col. 6, l. 8-10, 34-36). If out of range (outside), the PDA device accesses the master computer and VCR through a cellular modem (col. 3, l. 32-43 & col. 6, l. 34-47, 60-63). The PDA communicates with the master computer and VCR through high power spread spectrum communications (col. 3, l. 60-61; col. 6, l. 1-17; & col. 10, l. 38-46). Since the PDA accesses the master computer differently depending on whether the user is indoors or outside, the examiner

interprets this as sending to the program processing apparatus a link request indicating whether the user is indoor or outside. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the communication between the remote program access device and local interactive television program guide of Ellis et al. to include switching between a cellular network and a local spread spectrum network depending on whether the remote access device is within the home or outside the home, such as that taught by Gaucher in order to provide a more cost-efficient device. Gaucher further discloses measuring the signal level of a remote device using RSSI (col. 9, l. 20-23). The combination of Ellis et al. and Gaucher does not specifically disclose displaying a message indicating link establishment failed based on a switching means determining, as a function of whether the link is unstable.

Matsumoto discloses a digital cordless telephone device for performing radio communication. The cordless telephone device includes an RSSI detection unit for detecting RSSI of the base station it is connected to (see Abstract). Matsumoto discloses that, when the RSSI gets lower than a predetermined threshold, an antenna symbol flashes on and off and an out-of-service area warning appears to inform the user that the digital cordless telephone device is approaching the limit of the service area of the base station to which it is connected (col. 5, l. 8-20). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Ellis et al. and Gaucher to include displaying a warning to the user when they approach the limit of a service area, such as that taught by Matsumoto in order to provide a user with information to ensure stable communication (Matsumoto col. 1, l. 22-26).

The combination of Ellis et al., Gaucher and Matsumoto does not specifically teach that the user chooses whether the user is indoor or outside by operating an operation switch. Isberg et al. discloses a mobile personal communication station 114 that communicates with various networks (col. 3, l. 25-37 & Fig. 1). Isberg et al. further discloses that the communication station is a dual-mode type capable of communication in at least two different networks, and that switching between the two networks can be automatic and also on demand from a user of the station, such as by a key press action on a keypad (col. 6, l. 42-54 & Fig. 5). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the network switching of Gaucher to be done manually through a key press action, such as that taught by Isberg et al. in order to improve user-friendliness by providing more operational settings (Isberg et al. col. 1, l. 35-37).

5. Claims **7**, **15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. in view of Gaucher, further in view of Matsumoto, still further in view of Isberg et al., and still further in view of Clapper.

Referring to claims **7** and **15**, the combination of Ellis et al., Gaucher, Matusmoto, and Isberg et al. teaches a program processing apparatus/portable terminal according to claims 6 and 14, respectively. The combination of Ellis et al., Gaucher, Matsumoto, and Isberg et al. does not specifically teach that the short-distance wireless communication be based on the Bluetooth system. Clapper discloses controlling a set-top box with a remote control unit using a Bluetooth protocol (col. 2, l. 16-32). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the remote program access device in the combination

of Ellis et al., Gaucher, Matusmoto, and Isberg et al. to include communicating with the set-top box over a Bluetooth protocol, such as that taught by Clapper in order to provide a simple and accessible protocol for communicating between devices.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Van Handel/
Primary Examiner, Art Unit 2424

11/30/2010